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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,032	08/15/2001	Charles R. Barker JR.	41743	1879
8968	7590	04/05/2005	EXAMINER	
GARDNER CARTON & DOUGLAS LLP ATTN: PATENT DOCKET DEPT. 191 N. WACKER DRIVE, SUITE 3700 CHICAGO, IL 60606			PHAM, BRENDA H	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/929,032	Applicant(s) BARKER ET AL.	
	Examiner Brenda Pham	Art Unit 2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/03, 1/03, 5/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-46 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 8, 10-13, 16-18, 20-21, 23, 25-27, 29, 31-33, 35-36, 38, 40-42, 44 and 46 are rejected under 35 USC 102(e) as being anticipated by La Porta et al (US 6,434,134 B1).

Claims 1, 3, 11, 17, 26, 32 and 41, La Porta et al discloses a method, a communication network, adapted for use with mobile wireless user terminal, said network comprising (see figure 17): a packet-switched core network (internet 360); and a plurality of access points (BS9 thru BS12) coupled to said core network (360), each said access point being adapted to provide any said user terminal (MD 114) with communications access to said core network (360) when said any user terminal becomes affiliated with said access point, and including an address resolution cache which is adapted to store information representative of affiliation between said user terminals and said access points, and each said access point being adapted to deliver

Art Unit: 2664

to the other said access points a message indicating that a said user terminal has changed its affiliation from another said access point to said access point, to enable said other access points to update their respective address resolution cache based on said message, (col. 27, line 45-67, col. 28, lines 1-67, col. 29, lines 1-67, col. 30, lines 1-67, figure 9 and 17).

Claims 2, 12, 18, 27, 33 and 42, La Porta et al further teach wherein: said each access point is adapted to issue said message over said core network as an address resolution request for an address of said user terminal which has changed its affiliation thereto (col. 27, line 64-67, col. 28, lines 1-22).

Claims 5-6, 10, 16, 21, 25, 31, 36, 40 and 46, La Porta et al teach wherein said access point with which a said user terminal is affiliated is adapted to transmit a received data packet to said user terminal via a wireless communications link (MD communicate with base station, see figure 17).

Claim 8, 23, 38, La Porta et al further teach an IP gateway router including a respective an address resolution cache which is adapted to store information representative of affiliation between said user terminals and said access points and is updateable based on said message (col. 18, lines 51-67).

Art Unit: 2664

Claims 4, 13, 20, 29, 35, 44, La Porta et al teach wherein said address of said user terminal includes an Internet protocol address assigned to said user terminal (col. 16, lines 25-41, figure 11).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 9, 14-15, 19, 22, 24, 28, 30, 34, 37, 39, 43 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over La Porta et al (US 6,434,134 B1) in view of Lee et al (US 6,535,493 B1).

Claims 7, 9, 14-15, 19, 22, 24, 28, 30, 34, 37, 39, 43 and 45, as explained in the rejection statement of claims 1, 11, 17, 26, 32 and 41 (parent claims), La Porta et al discloses all the claim limitations of parent claims.

Although La Porta et al does not explicitly teach an address resolution protocol request, this claim limitation is well known in the art and also taught by Lee et al in according to column 11, line 1-40.

It is well known in the art that the Internet protocol used to map dynamic Internet addresses to physical (hardware) addresses on local area networks. Limited to networks that support hardware broadcasts.

Art Unit: 2664

Therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to use an Internet protocol address in the communications network of La Porta et al.

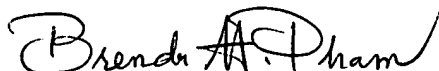
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

April 1, 2005
Brenda Pham

A handwritten signature in black ink that reads "Brenda A. Pham". The signature is written in a cursive style with a large, stylized "B" and "P".